

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

FRANK C. CARROLL,

Plaintiff,

v.

CITY OF NEW BRUNSWICK, et al.,

Defendants.

CIVIL ACTION NO. 10-170 (MLC)

ORDER & JUDGMENT

For the reasons stated in the Court's Memorandum Opinion dated February 6, 2015, **IT IS** on this 6th day of February, 2015, **ORDERED** that the motion for summary judgment by defendants City of New Brunswick and Police Director Anthony Caputo, i/n/a Chief Tony Caputo, (**dkt. entry no. 53**) and the separate motion for summary judgment by defendant Officer Michael DeBonis (**dkt. entry no. 54**) are **GRANTED IN PART AND DENIED IN PART AS FOLLOWS:**

GRANTED TO THE EXTENT THAT THEY CONCERN FEDERAL LAW CLAIMS, and

DENIED TO THE EXTENT THAT THEY CONCERN STATE LAW CLAIMS; and it is further

ADJUDGED that **JUDGMENT IS ENTERED** in favor of City of New Brunswick, Caputo, and DeBonis, and against the plaintiff; and it is further

ORDERED that the action insofar as it lists City of New Brunswick Police Department as a defendant on the docket will be marked as **TERMINATED**, as that entity is no longer named in the second amended complaint; and it is further

NOTED that all claims asserted against defendant Detective John Quick have been withdrawn (see dkt. entry nos. 31 & 48); and it is further

NOTED that all claims concerning the incident that occurred on September 2, 2008, have been withdrawn (see dkt. entry no. 47); and it is further

ADJUDGED that all federal claims asserted against defendant Richard Basset, incorrectly listed as Richard Bassett on the docket, are **DISMISSED**; and it is further

ADJUDGED that the **REMAINING STATE LAW CLAIMS BE DISMISSED WITHOUT PREJUDICE**, with leave to plaintiff to reinstate those remaining state law claims in state court within thirty days of entry of this Order and Judgment; and it is further

ORDERED - as no viable claims remain - that the Clerk of the Court designate this action as **CLOSED**.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge